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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/634,507 08/09/00 KARBASSI

S M10 25086 US

EXAMINER

000128 MM91/0829  
HONEYWELL INTERNATIONAL INC.  
101 COLUMBIA ROAD  
P O BOX 2245  
MORRISTOWN NJ 07962-2245

MARTIN, L  
ART UNIT

PAPER NUMBER

2855  
DATE MAILED:

08/29/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trad marks**

# Office Action Summary

Application No.

09/634,507

Applicant(s)

KARBASSI ET AL.

Examiner

Lilybett Martir

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "22" has been used in Figure 3 to designate both the second and the third channel. Correction is required.

The drawings are objected to because on Figure 1b the Inlet and the Outlet are interchanged, but the arrows that represent the direction of the flow were not modified to show that the direction of the flow changed as a result of said variation. Correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Frick (Pat. 4,466,290). Frick teaches the claimed invention, including:

- A housing as composed by elements 18, 14, 16, 24, 26, 28 and 30 having an inlet as inherently pointed by element 34 and an outlet, first and second channels in communication with the inlet and the outlet as in elements 24 and 26, a sensing element in the first channel as in element 14, a restriction in the second (Col. 4, lines 40-42), and a seal engaging the sensing element so as

to prevent flow of a fluid past the sensing element as in elements 58, as in claim 1.

- A housing that inherently includes a base and a cover as noted in Figure 1, as in claim 2.
- A seal that comprises a pair of elastomeric seals as in elements 58, wherein the sensing element 14 is captured between the elastomeric seals 58, and wherein the elastomeric seals are arranged to prevent leakage between the base and the cover (Col. 5, lines 48-53), as in claims 3 and 4.
- The seal having a conductive path as in elements 62 and 64 from the sensing element to a lead as in elements 74, and wherein the leads extend outside the housing as in Figure 2, as in claims 5, 8 and 10.
- A fluid that is inherently a liquid or a gas (Col. 2, lines 29-34), as in claim 6.
- The inlet, the outlet, and the second channel arranged to permit a flow of the fluid through the housing between the inlet and the outlet and wherein the sensing element is arranged to sense a pressure change across the restriction (Col. 4, lines 39-52), as in claim 7.
- The inlet, the outlet, and the second channel arranged to permit a bi-directional flow of the fluid through the housing between the inlet and the outlet and wherein the sensing element is arranged to sense a pressure change across the restriction (Col. 4, lines 39-52), as in claim 9.
- A housing as composed by elements 18, 14, 16, 24, 26, 28 and 30 having an inlet as inherently pointed by element 34 and an outlet, first and second

channels in communication with the inlet and the outlet as in elements 24 and 26, a sensing element in the first channel as in element 14, a restriction in the second channel (Col. 4, lines 40-42) wherein the restriction permits flow of a liquid through the inlet, the second channel and the outlet, and a seal engaging the sensing element so as to prevent flow of a fluid past the sensing element as in elements 58, wherein the sensing element senses a pressure change across the restriction (Col. 6, lines 25-28) as in claim 11.

- A housing that inherently includes a base and a cover as noted in Figure 1, as in claim 12.
- A seal that comprises a pair of elastomeric seals as in elements 58, wherein the sensing element 14 is captured between the elastomeric seals 58, and wherein the elastomeric seals are arranged to prevent leakage between the base and the cover (Col. 5, lines 48-53), as in claims 13 and 14.
- The inlet, the outlet, and the second channel arranged to permit a flow of the fluid through the housing between the inlet and the outlet (Col. 4, lines 39-40), as in claim 15.
- The seal having a conductive path as in elements 62 and 64 from the sensing element to a lead as in elements 74, and wherein the leads extend outside the housing as in Figure 2, as in claims 16, 18 and 19.
- The inlet, the outlet, and the second channel arranged to permit a bi-directional flow of the fluid through the housing between the inlet and the outlet (Col. 4, lines 42-45), as in claim 17.

- Regarding claims 20-22, since Frick teaches all the elements of the claimed invention, said claims are method claims that are inherently disclosed in the teachings of Frick.

### ***Citation of Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art considered pertinent during examination of the examined application is:

- Jenkins (Pat. 4,555,952) Differential pressure sensor.
- Grände (Pat. 4,240,294) Flow meter.
- Delajoud (Pat. 5,445,035) Precision gas mass flow measurement apparatus and method maintaining constant fluid temperature in thin elongated flow path.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lilybett Martir whose telephone number is (703)305-6900. The examiner can normally be reached on 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin Fuller can be reached on (703)308-0079. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3432 for regular communications and (703)305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

  
Lilybett Martir  
Examiner  
Art Unit 2855

  
August 16, 2001

  
Benjamin R. Fuller  
Supervisory Patent Examiner  
Technology Center 2800